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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,609	09/20/1999	HASSAN HAGIRAHIM	HAGIRAHIM5-4	3602

7590 07/14/2004

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EXAMINER

ODLAND, DAVID E

ART UNIT PAPER NUMBER

2662

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/400,609

Applicant(s)

HAGIRAHIM ET AL.

Examiner

David Odland

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1, 3, 4, 15, 17, 24, 25 and 30-32.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
10. ☐ Other: _____

HASSAN KIZOU

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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Continuation of part 5c: the Applicant's arguments are not persuasive.

Specifically, on page 10, the Applicant argues that Keshav discloses programs and not gateways. The Examiner respectfully disagrees. The programs discussed in Keshav run on computing systems that act as an entranceway for data to be transmitted over the Internet and ATM networks (see figure 3), therefore, indeed they can be considered as 'gateways'. Note, there are no claim limitations that distinguish the claimed 'gateway' from the computing systems running programs in figure 3 of Keshav.

Also on page 10 the Applicant argues that one of ordinary skill in the art would not equate a VCI address with an IP address of the destination gateway. However, the Examiner has not made this equation. As stated in the Final Office Action (mailed 03/03/2004), the Keshav reference was used to show a system wherein ATM cells are encapsulated into IP packets for transmission over the Internet using IP addressed packets. The specific steps of addressing and call set-up aspects of the claimed invention are taught in the secondary reference, the Draft ITU-T H.323 standard.

On page 12, the Applicant contends that the system discloses in the H.323 standard involves endpoints and endpoints are not gateways. The Examiner respectfully disagrees. The H.323 draft clearly states on page 5 under the definition of the term 'Gateway', that a gateway is an endpoint. Therefore, indeed the endpoints in the H.323 standard can be considered as gateways.

On page 13 the Applicant contends that the H.323 draft does not disclose the transmission of an open logical channel request to a controller for establishment of a dedicated channel. The Examiner respectfully disagrees. The H.323 draft clearly shows that an

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“openLogicalChannelRequest” signal is communicated to the gatekeeper in order to set up a channel with a particular bit rate, therefore this limitation is met by the H.323 draft.